



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,744	01/10/2002	Valery Poulbot	A34526-PCT	3821

5514 7590 01/03/2005

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

MAKI, STEVEN D

ART UNIT PAPER NUMBER

1733

DATE MAILED: 01/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Applicant(s)

09/913,744

Applicant(s)

POULBOT, VALERY

Examiner

Steven D. Maki

Art Unit

1733

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 December 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: new issues: see advisory action attachment.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see advisory action attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-13.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____.

Advisory Action Attachment

new issues

In the after final amendment filed 12-9-04, the new issues include:

- (1) in claim 1 line 1, adding --pneumatic-- before "tire";
- (2) in claim 1 lines 4-5 deleting --arranged to substantially connect said lateral faces--;
- (3) in claim 1 lines 8-9, adding --said conductive layer extends circumferentially through-- before "said tread".
- (4) in claim 2, adding --wherein the edges are provided at a distance from at least one of said lateral faces to provide at least one interruption in the conductive layer-- and deleting --substantially connects said lateral faces ... together, such that it is interrupted opposite at least one of said lateral faces--;
- (5) in claim 3, changing "said at least one conductive layer ... substantially connects said lateral faces ...such that it is interrupted opposite said radially inner and outer faces" to --said at least one conductive layer has a plurality of interruptions formed by circumferential grooves--;
- (6) in claims 4, 5, 7, 8 and 13, adding --or 3--.

The remaining changes in the after final amendment filed 12-9-04 do not constitute new issues.

remarks

On page 8 of the response filed 12-9-04, applicant states: "... Applicant now states that no new matter has been added by the substitute specification". Furthermore,

Art Unit: 1733

page 1 of the after final amendment filed 12-9-04 states: "Please amend the specification and abstract attached hereto.". First: A specification and abstract was not received with the after final amendment filed 12-9-04. Second: It is unclear if the above noted statement is for the substitute specification filed with the after final amendment filed 12-9-04 or the substitute specification filed with the response filed 6-4-04.

With respect to Fielding, applicant's arguments are not persuasive for the reasons given in the last office action dated 9-9-04.

As to Japan '415, applicant argues that the claimed subject matter is fully supported by the priority document. Japan '415 is available as prior art under 35 USC 102(a) against claims 2-13 since applicant's priority document fails to support claims 2-13. As to claims 11 and 12, applicant refers to page 8 lines 16-22 of the translation of the priority document. Page 8 lines 16-22 of the translation of the priority document fails to support claims 11 and 12. Page 8 describes conductive films "on" the lateral faces (see figure 2 of priority document) whereas claim 11 requires a conductive film "between" said lateral faces. The subject matter of claim 11 is shown for example in figure 2c of this application. Applicant's priority document fails to include Figure 2c. Page 8 describes conductive films "on" the lateral faces (see figure 2 of priority document) whereas claim 12 requires at least one "inner" conductive strip and at least one "external" conductive strip. The subject matter of claim 12 is shown for example in figure 2d. Applicant's priority document fails to include figure 2d. As to claim 2, applicant refers to page 9 lines 9-12 of the translation of the priority document. Page 9 lines 9-12 of the translation of the priority document fails to describe "substantially

Art Unit: 1733

connects said lateral faces ... together" as set forth in claim 2 and thereby fails to support claim 2. Since claims 4-10 and 13 can depend on claim 2, they are also not supported by the priority document.

With respect to Verbrugghe, applicant's arguments regarding the combination of Verbrugghe and Great Britain '757 are not persuasive since Great Britain '757's teaching to coat all surfaces of an insulating tread to lower resistance of the tire tread and thereby improve conductivity of an insulating tread for improved static discharge provides ample motivation to coat all surfaces of insulating layers 7, 8 of Verbrugghe's tread.

Applicant comments that Great Britain '757 teaches applying the electrically conductive rubber cement to the outside of a tire casing, to the inner wall of a tire casing, the inner wall of the carcass and in addition to these locations, to the walls which form the grooves of the tread. The examiner agrees and adds that these teachings noted by applicant show the high importance Great Britain '757 places on coating all surfaces of insulating material of the tire.

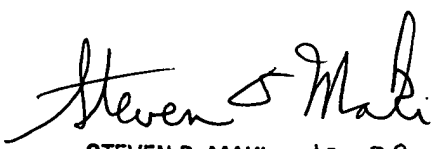
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is (571) 272-1221. The examiner can normally be reached on Mon. - Fri. 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1733

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Steven D. Maki
December 29, 2004


STEVEN D. MAKI 12-29-04
PRIMARY EXAMINER
~~GROUP 1300~~
AU 1733